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Promotion and protection of human rights: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Human rights and cultural diversity

Report of the Secretary-General

Summary

The present report is submitted to the General Assembly pursuant to its resolution 64/174, in paragraph 18, of which it requested the Secretary-General to prepare a report on human rights and cultural diversity, taking into account the views of Member States, relevant United Nations agencies and non-governmental organizations, for the Assembly at its sixty-sixth session.

In the light of that request, the Office of the United Nations High Commissioner for Human Rights invited States, United Nations agencies and non-governmental organizations to submit written comments regarding the recognition and importance of cultural diversity among all peoples and nations in the world. The report provides a summary of the answers received. The comments received from Governments focus on measures taken within the State to promote cultural diversity and to protect and ensure access to cultural heritage.

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I. Introduction

1. The General Assembly, in paragraph 18 of its resolution 64/174, requested the Secretary-General to prepare a report on human rights and cultural diversity, taking into account the views of Member States, relevant United Nations agencies and non-governmental organizations, for the Assembly at its sixty-sixth session. In response to the request for information sent by the Office of the United Nations High Commissioner for Human Rights, as of 15 July 2011, 16 replies had been received from Member States and 1 reply had been received from a non-governmental organization. The submissions of Madagascar and the United Nations Educational, Scientific and Cultural Organization were received too late to be included in the present report. The replies are summarized below.

II. Summary of information received from Governments

Azerbaijan

[Original: English]
[7 June 2011]

In its submission, Azerbaijan defines itself as a multinational and multireligious country. Its national policy is defined on the principles of tolerance and coexistence of various nationalities, ethnic groups and religious minorities.

Azerbaijan reports on different initiatives to enhance religious pluralism, including the reopening of a synagogue and of a Lutheran church, the opening of a Jewish school in Baku, the organization of seminars on religious and cultural diversity by the State Committee on Work with Religious Organizations and the publication of newspapers, informational materials and books on tolerance and religious issues. Azerbaijan hosted a successful international conference on interreligious dialogue in 2009, the World Religious Leaders Summit in 2010 and a round table on interconfessional harmony in building civil society in 2011. In 2011 the European Parliament organized a conference on "European Union-Azerbaijan relations: intercultural dialogue", with the participation of members of the European Parliament, public authorities, media and representatives from Azerbaijani Muslim, Orthodox, Jewish and Albanian-udi confessions.

Other events took place under the so-called "Baku process" for the promotion of intercultural dialogue, which brings together people of different origins and with different educational backgrounds through projects and programmes in the field of cultural and religious dialogue. The process is led by Azerbaijan, in cooperation with the Council of Europe, the United Nations Educational, Scientific and Cultural Organization (UNESCO), the Islamic Educational, Scientific and Cultural Organization, the United Nations Alliance of Civilizations and the Heydar Aliyev Foundation. Events organized under the Baku process include: the Sixth Islamic Conference of Culture Ministers, the European Capitals of Culture initiative and the World Forum on Intercultural Dialogue.

Azerbaijan's submission also includes a document called "Azerbaijan — country of cultural diversity", which describes the unique character of the country as a crossroads between the East and the West, the South and the North, a position

which has led to a unique and harmonious combination of the traditions of different cultures and civilizations and created a spirit of tolerance and respect for different cultures and nationalities.

Azerbaijan ratified the UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions in 2009. The Government has adopted a special plan for the implementation of the Convention, which features a project called "Cultural diversity is our cultural identity", aiming to organize various events on the theme of national cultural solidarity in the regions throughout the country, with the participation of national minorities and local communities. Other projects include the "People's Art Capitals" project and the Art Festival of National Minorities "Azerbaijan — our native land".

Bosnia and Herzegovina

[Original: English]
[8 June 2010]

The submission by Bosnia and Herzegovina presents a detailed account of the constitutional and legal framework guaranteeing the highest level of internationally recognized human rights and fundamental freedoms. The Constitution provides for the direct application of international human rights instruments such as the European Convention for the Protection of Human Rights and Fundamental Freedoms. Various pieces of legislation and institutions were established for the implementation and protection of the above-mentioned rights. These include the adoption of several laws on the protection of national minorities' rights and the Law on Freedom of Religion and Legal Position of Churches and Religious Communities, the establishment of the Council for National Minorities of the Parliamentary Assembly, the adoption of the Action Plan on the Educational Needs of Roma and Members of Other National Minorities, the Strategy for Addressing Roma Issues, the Action Plan for Addressing Roma Issues in the Field of: Employment, Housing and Health Care and the appointment of the National Coordinator for the Decade of Roma Inclusion 2005-2015. The country has also ratified two international agreements, one with the Holy See and one with the Serbian Orthodox church.

Bosnia and Herzegovina has also adopted laws on gender equality and domestic violence and has established a national ombudsman institution with specific departments dealing with the rights of national, religious and other minorities, persons with disabilities, children and detainees and prisoners. The Parliament is presently discussing an anti-discrimination law. A study has been conducted in order to assess the conformity of national legislation with the provisions of the European Convention for the Protection of Human Rights and Fundamental Freedoms.

Being a multireligious and thus a multicultural community, Bosnia and Herzegovina is committed to the respect of human rights and fundamental freedoms through the strengthening of democracy, multicultural dialogue and respect for ethnic, cultural and religious diversity and combating all forms of discrimination and intolerance. Dialogue between different ethnic groups is considered the primary means to link diversities and develop tolerance in society. Bosnia and Herzegovina is home to 3 constituent peoples (Bosniacs, Serbs and Croats) and 17 national

minorities. Different institutions have been established or recognized to foster interethnic dialogue: the Interreligious Council of Bosnia and Herzegovina, Link Diversity, the Roma Committee and the Council for National Minorities. Measures to enhance interethnic and interreligious dialogue include radio and television programmes on minority communities, film festivals and support for non-governmental organization and interreligious institutions initiatives on human rights and diversity.

Religious diversity is part of the rich heritage and identity of Bosnia and Herzegovina. The country is home to four major monotheistic religions (Catholicism, Islam, Judaism and Orthodox Christianity). In Sarajevo, the nation's capital, major temples representing each religion are located only 500 meters apart. While part of the historic cultural heritage was damaged during the tragic conflict that took place between 1992 and 1995, the country has devoted efforts to protecting and restoring its cultural heritage. The submission details some of these endeavours. in addition, acts of destruction or damage of cultural heritage have been criminalized by law. The diversity of the country's cultural heritage is also reflected in its museums, art festivals, literary meetings and art exhibitions.

Canada

[Original: English]
[6 June 2010]

Canada is building an integrated, socially cohesive society by fostering intercultural understanding, civic memory and pride and respect for core democratic values, and by promoting equal opportunity for individuals of all origins. This has been achieved through legislation, policies and programming nationally, provincially and municipally. Cultural diversity in Canada is based on three main pillars: aboriginal populations, linguistic duality and ethnocultural and religious diversity. In addition to the three founding peoples (Aboriginal, English and French), the ethnocultural diversity of Canada has increased greatly in recent decades as a result of open and large-scale immigration from a variety of countries.

Cultural diversity in Canada is supported by a broad framework of laws and policies, including the Multiculturalism Act, the Official Languages Act, employment equity, human rights legislation and the Constitution. The Constitution Act granted collective rights to aboriginal people and official-language minority groups and the 1982 Canadian Charter of Rights and Freedoms required that its provisions be interpreted in a manner consistent with the preservation and enhancement of the multicultural heritage of Canadians.

The 1988 Multiculturalism Act affirmed diversity as a fundamental characteristic of Canadian society and committed to a policy of multiculturalism designed to preserve and enhance the multicultural heritage of Canadians, while working to achieve the equality of all Canadians in the economic, social, cultural and political life of Canada. The Multiculturalism Act required the federal Government to promote the full and equitable participation of all individuals and communities of all origins, to eliminate barriers to that participation and to encourage and assist all Canadian institutions to be both respectful and inclusive of the multicultural character of Canada. It also granted the designated minister the

responsibility to implement the multiculturalism programme and to coordinate activities and practices in support of that policy.

The multiculturalism programme had three broad objectives: to build an integrated, socially cohesive society; to improve the responsiveness of institutions to the needs of a diverse population; and to actively engage in discussions on multiculturalism and diversity at the international level. Understanding that equal opportunity for individuals of all backgrounds is an important part of fostering an integrated society, the current focus of the programme is on integration, shared civic and democratic values and supporting intercultural and interfaith understanding.

One of the main vehicles for programme delivery in the area of cultural diversity is Inter-Action, a multiculturalism grants and contributions programme. This programme has a "projects" and an "events" stream, both of which provide members of different ethnocultural or religious communities with opportunities to build bridges among communities to promote intercultural understanding. The "projects" stream provides funding for long-term, multi-year community development and engagement projects to promote integration. The "events" stream supports community events, such as celebrations of a community's historic contributions to Canada, musical performances that bridge ethnic, cultural or religious communities and intercultural dialogues to share cultural heritage, traditions and viewpoints.

Public education programming is another way in which Canada supports cultural diversity. One example of such programming is Asian Heritage Month, designated officially by the Canadian Government in 2002 to take place in May each year. Asian Heritage Month provides an opportunity for Canadians to participate in festivities across the country that celebrate the achievements and contributions of Canadians of Asian heritage. Similarly, Black History Month takes place every February and comprises festivities and events that honour the past and present legacy of black Canadians. In addition, the Paul Yuzyk Award for Multiculturalism recognizes individuals in communities across Canada who have made exceptional contributions to multiculturalism and diversity in Canada.

Colombia

[Original: Spanish]
[6 June 2010]

Colombia offered a very detailed overview of legal and other measures adopted to ensure cultural diversity. Cultural diversity is recognized by the Colombian Constitution, and the country has ratified Convention 169 of the International Labour Organization and is considering the ratification of the UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions. Protection of the cultural richness is considered one of the goals of the State. Measures have been adopted, particularly in relation to Afro-Colombian peoples, indigenous peoples and the Roma people.

The Ministry of Culture has contributed to a number of initiatives within the framework of the General Law on Culture. Concerned groups were consulted in the adoption of relevant legal measures. Efforts have been made to document and protect the intangible cultural patrimony of indigenous peoples and

Afro-Colombians. Books were published and workshops, celebrations and cultural activities were organized to acknowledge and give visibility to the contributions of ethnic groups in the construction of the nation. The Ministry of Culture has also taken initiatives in the field of communications, including television and radio broadcasts focusing on cultural events involving ethnic communities, the strengthening of indigenous and citizen radios and the promotion of the use of information and communication technologies among indigenous, Afro-Colombian and Roma peoples. The National System of Culture, established by the General Law of Culture, allows for the participation of different groups of the population in decision-making structures regarding cultural policy in the national, regional and municipal level.

The Ministry of Education has adopted ethno-education as its methodological priority regarding the education of ethnic groups. The implementation of ethno-education is based on inter-institutional alliances, involving the self-government of the communities and the different levels of government. The goal of the policy of differentiated educational attention towards ethnic groups is to improve the access, permanence, promotion and pertinence of education, in relation with the worldview and pedagogic, cultural and linguistic expectations of each people. Coordination, interculturality and a dialogue between the different communities of knowledge are considered fundamental means in this regard. Initiatives include technical assistance to educational authorities in order to implement the normative framework regarding ethnic groups, consultation and participation of the concerned peoples, promotion and guidance for the creation and implementation of Afro-Colombian chairs in educational facilities, the adoption of legislation and programmes to protect ethnolinguistic diversity, including mandatory teaching of native languages where they are spoken, and the advancement of a proposal for an autonomous educational system for indigenous peoples. Different actions have also been undertaken in the area of human rights education, in collaboration with national and international institutions.

The Ministry of Justice and the Interior, which is in charge of the protection of human rights and cultural diversity, has also taken action through its respective departments for Afro-Colombian, indigenous, minority and Roma affairs. Colombia reports with detail the legislative and normative measures adopted to guarantee non-discrimination, political participation and the protection of the cultural identity of ethnic groups. A legal framework was adopted for the protection of the Roma people.

Colombia has also adopted measures to promote cultural diversity in its foreign policy, including active cooperation with UNESCO, international cooperation and cultural and academic interchanges with other States. In this sense, Colombia has adopted 46 international agreements for cultural cooperation and interchange with different countries.

Cuba

[Original: Spanish]
[8 July 2011]

According to the submission of Cuba, the recognition of the universal character of human rights and fundamental freedoms makes it necessary to

understand the importance of national and regional particularities and different historic, cultural and religious heritages, and to respect the diversity of economic, political and social systems existing in the world. Ethnic groups, peoples, nations and other communities share their own cultures and have a right to be recognized and to have their identities respected. Cultural diversity is based on the variety and richness of these communities.

Diversity does not weaken the universal values of human civilization: it represents its fundamental strength and wealth. Cultural homogenization threatens the genuine artistic expressions of peoples and can lead to the disappearance of languages, cultures and ethnic groups. Cultural hegemony can also threaten the realization of cultural rights, the preservation of cultural identities and, hence, cultural diversity. Peoples' right to self-determination is an inalienable right and an essential component for the respect of cultural diversity.

In order to defend cultural diversity, priority should be accorded to the preservation of peoples' memory and history. This will contribute to the survival of native cultural expressions. It is for States to promote the full enjoyment of everyone's cultural rights and respect for diverse cultural identities, and to define and implement, through appropriate means, its own cultural policies, taking into account its international obligations.

International cooperation, which is also important to preserve and promote cultural diversity, should be grounded in the acknowledgement and acceptance of the political, economic, cultural and social dimensions of every society. Dialogue and cooperation are essential for the respect of the universality of human rights and cultural diversity. Respectful dialogue between the representatives of different cultures and civilizations fosters tolerance and respect of diversity and contributes to strengthening international cooperation.

The right to enjoy culture and the duty to disseminate, promote, preserve and protect culture constitute political commitments of the State, as reflected in the Universal Declaration of Human Rights. The submission by Cuba underscores that market forces alone cannot guarantee the preservation and promotion of cultural identities, and emphasizes the need to give prevalence to public policies rather than to the interests of the private sector. According to the Cuban Constitution, the State guides, encourages and promotes education, culture and science in all its manifestations, and sustains freedom of artistic creation, the defence of the identity of the Cuban culture, the preservation of cultural heritage and of the artistic and historic wealth of the nation and the protection of national monuments, bearing in mind universal traditions and values.

Cuba reiterates its commitment to support efforts of the United Nations system, including UNESCO, to preserve and promote the cultural identities and diversity of all peoples and nations. Strengthening multilateralism is an essential instrument to promote and protect cultural diversity.

Georgia

[Original: English]
[22 June 2011]

According to its submission, Georgia is an ethnically, culturally, linguistically and religiously diverse country, and the Government devotes particular attention to enhancing cultural pluralism and the enjoyment of human rights for all representatives of different cultures residing in the country. In 2008, Georgia ratified the UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions. Its Constitutional and legal framework require Georgia to promote the development of culture, the participation of citizens in cultural life, the strengthening and advancement of national and universal values and creative integration. The Council for Tolerance and Civil Integration, an advisory body created by the President to ensure consultation with representatives of religious and ethnic minorities in policy and decision-making, has adopted a National Concept for Tolerance and Civil Integration, following international standards and recommendations. One of its main goals is the promotion of culture and the preservation of identity, including objectives such as civil awareness, preservation of the cultural identity of national minorities, protection of the cultural heritage of national minorities, encouragement of tolerance, support of intercultural dialogue, participation of national minorities in cultural life and dissemination of the culture, history, language and religion of national minorities and their inclusion as part of the core cultural values of the country.

Regarding culture and the preservation of identity, the Constitution and the Law on Culture guarantee that all citizens are equal in cultural life, without distinction based on national, ethnic, religious or linguistic background. Rights and freedoms to effectively enjoy equal participation in cultural life are also guaranteed. The Ministry of Culture and Monument Protection runs a special programme to support cultural centres of national minorities, designed to assist national minorities in the preservation and dissemination of their cultures and in their integration in the larger Georgian cultural sphere. The programme is implemented in collaboration with institutions representing national minorities.

Promotion of the participation of national minorities in cultural events has also been an objective of the Ministry of Culture and Monument Protection. National minorities regularly take part in international festivals, music contests, exhibitions and concerts held in Georgia, and actively organize their own cultural events. The Ombudsman's office publishes a newspaper and has published several books addressing the culture, history, traditions and other aspects of the lives of national minorities. An interethnic festival, "Diversity is our Wealth", was held in 2008 under the auspices of the Offices of the President and the Ombusdman. State Universities runs the Institute of Caucasiology, specialized the teaching of the Caucasian languages and there is a State-supported International School for Caucasus Studies.

In relation to the protection of the cultural heritage of national minorities, the applicable legal framework is the Law on Cultural Heritage, which encompasses both tangible and intangible heritage. The State has devoted its efforts to reveal and register the rich Georgian cultural heritage. The classification of monuments is not based on national or confessional affiliations, but rather follows strict

methodological research. All monuments receive the same protection under the law. Recent inventory and rehabilitation work has included Ottoman monuments, Gregorian churches, mosques and synagogues. Georgia also offers a variety of museums representing the heritage of different cultures and religions.

In the area of education, the Ministry of Education has added programmes combating racial discrimination and promoting tolerance and intercultural dialogue. The Ministry has also made efforts to enhance teaching of the Georgian language to minority groups in order to guarantee equality of opportunities, while the educational authorities have also implemented a policy to strengthen the knowledge of native languages among minorities. The policy includes the translation of textbooks into minority languages and the improvement of teachers' skills. In November 2009, the Law on Higher Education was amended to establish a quota system, directed to allow better access for national minorities to institutions of higher education. Armenian and Azerbaijani speakers are allocated 10 per cent of all university seats. As of 2012, the quota will also include Abkhazian and Ossetian speakers.

Finally, the submission addresses the efforts made by Georgia to ensure access of minority groups to media. The news on the public radio is broadcast in six different languages, and there are specific programmes devoted to national minorities. Other State-funded activities include the production of documentary films on the life of national minorities, financial support to Azerbaijani and Armenian language newspapers and the launch of an electronic database with information on the history and culture of national minorities living in Georgia.

Guatemala

[Original: Spanish]
[8 June 2011]

Guatemala, in its response, reports that it has ratified the UNESCO Conventions on the Protection and Promotion of the Diversity of Cultural Expressions and the Safeguarding of the Intangible Cultural Heritage, with the commitment of protecting the economic, social and cultural rights of the Mayan, Garifuna, Xinca and Ladina peoples.

The submission points out the willingness of Guatemala to develop and undertake measures to sensitize States about the need to devote resources for the implementation of programmes for the promotion, protection and appraisement of human rights and cultural diversity in the world.

Iraq

[Original: Arabic]
[6 June 2011]

The response from Iraq underscores the fundamental link between cultural diversity, human dignity and the respect of human rights and basic freedoms, especially of persons belonging to minorities and indigenous peoples. Cultural diversity is part of the national identity, and requires a dialogue between cultures

and the rejection of intolerance. Respect for diversity is an important source of renewed strategies for development and for ensuring social cohesion.

Iraq has adopted different legal measures to ensure cultural diversity. Its Constitution defines Iraq as a country of many nationalities, religions and creeds. The Constitution enshrines equality among Iraqis in rights and duties, recognizing equality between all ethnic and religious groups that make up the Iraqi people. Freedom of thought, conscience, belief and religion are also protected by the Constitution.

While the Constitution considers Arabic and Kurdish to be the two official languages of Iraq, and Turkmen and Syriac to be official languages in the administrative districts where they constitute the language of a certain proportion of the population, it also guarantees the right of minority ethnic groups to educate their children in their mother tongue in public educational institutions. Different measures have been adopted to implement these rights for specific minority groups. The right to be taught in any other language in private educational institutions is also recognized. The Constitution forbids any entity or programme to endorse racism, terrorism or ethnic cleansing.

Efforts have also been made to ensure that ethnic and religious minorities have political representation in the legislative body through the allocation of quota shares of the parliamentary seats. Similar provisions were adopted for provincial parliaments.

The Iraq Government's policy of cultural diversity has been a positive factor in rebuilding the community after years of conflict and difficulties in various fields, and a means for development, dialogue, peacebuilding, cohesion and national unity. Ensuring the participation of minorities is considered a priority issue in Iraq. Measures to achieve this objective include respecting the culture of religious and ethnic minorities; ensuring the teaching of their religions and languages; accommodating educational curricula when appropriate; preserving the historical heritage represented by churches and other houses of worship; organizing conferences, workshops and seminars; disseminating campaigns through educational media; and implementing educational programmes for university professors. These measures are oriented to promote a culture of social tolerance, peaceful coexistence and acceptance of others, which represent the values of citizenship necessary to build the new Iraq.

Former Yugoslav Republic of Macedonia

[Original: English]
[24 June 2011]

As a country rich with cultural heritage and different cultural expressions, the former Yugoslav Republic of Macedonia pays special attention to the promotion and protection of cultural heritage and of the diversity of cultural expressions. In 2007, the country ratified the UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions. The Ministry of Culture had an important role in the adoption of measures to implement this convention.

A number of international cultural events, including poetry, music, theatre and dance festivals, have been hosted by the country. Other measures promoting cultural

dialogue and diversity included the support of several projects with the Macedonian Academy of Sciences and Arts, the Interart Cultural Centre, the Macedonian National Committee for the International Council on Monuments and Sites, the National Commission for UNESCO of the former Yugoslav Republic of Macedonia, the Turkish National Commission for UNESCO, and non-governmental organizations. Projects involved dance; the publication of UNESCO conventions and recommendation with a commentary; the organization of the World Conference on Interreligious and Inter-Civilization Dialogue; cultural events about cultural heritage, memory and gastronomy; the publication of books on the cultural heritage of the nation and of an anthology of European folk music; the inauguration of the Memorial House of Mother Theresa; a seminar on the influence of culture in the development of Europe; and a multi-language translation of poetry, fiction and essays originally written in Macedonian and minority languages.

The Ministry of Culture devotes part of its efforts to the publication and translation of books into minority languages and the support of literature festivals, book fairs, campaigns and prizes to promote linguistic diversity.

New laws have been adopted to promote and protect cultural creation, including the 2010 Law on Copyright and Related Rights, which aligns national legislation with European Union directives. Other relevant pieces of legislation are the Law on Culture, the Law on the Protection of the Cultural Heritage and the Law on Minority Languages.

In May 2010, the former Yugoslav Republic of Macedonia hosted the successful Second World Conference on Interreligious and Inter-Civilization Dialogue. The theme of the Conference was "Religion and Culture — Strengthening Links among Nations". The Conference was organized by the Ministry of Culture in cooperation with the Commission for Relations with Religious Communities and Religious Groups, and was supported and endorsed by the Government, UNESCO, the United Nations-Spain Millennium Development Goals Achievement Fund within the framework of a United Nations Development Programme project for the improvement of inter-ethnic dialogue, and the Holocaust Fund of the Jews from Macedonia.

In 2008, the country inaugurated the Skopje Regional Centre for Digitization of Cultural Heritage. The country is working towards the implementation of the National Programme for Digitization, which will enable the digitization of the entire cultural heritage of the country.

Mauritius

[Original: English]
[7 July 2011]

The response by Mauritius details some of the efforts made by the country to ensure diversity in political and legal systems, recognize and promote respect for cultural diversity in order to advance peace, development and human rights and use media and information and communication technologies to enable a renewed dialogue among cultures and civilizations.

Mauritius is a multicultural community where the cultural rights of all groups are safeguarded and promoted. Different festivals to foster mutual understanding

and the sharing of values and to encourage intercultural dialogue are organized by the State, which also organizes artistic and cultural events to promote all aspects of cultural heritage.

The Government has set up different institutions with a view to improving democracy and ensuring the representation of different cultural communities. These include the Aapravasi Ghat Trust Fund, the Centre de Lecture et d'Animation Culturelle, the Islamic Cultural Centre, the Le Morne Heritage Trust Fund, the Malcolm De Chazal Trust Fund, the Mauritius Museums Council, the Mauritius Film Development Corporation, the Mauritius Society of Authors, the National Archives, the National Art Gallery, the National Heritage Fund, the National Library, the Nelson Mandela Centre for African Culture, the President's Fund for Creative Writing and the Professor Basdeo Bissoondoyal Trust Fund. Several cultural centres and speaking unions have been established to promote the ancestral languages that constitute the cultural heritage of Mauritius, including English, Hindi, Marathi, Tamil, Telugu and Urdu.

With a view of encouraging artistic creation by the different linguistic and cultural groups, the Government has put in place a scheme to assist artists on the production of music albums, publication of books, art exhibitions, drama and theatre and other artistic or cultural activities. A scheme has also been developed for assisting promising artists to improve their skills, promote their work and participate in international festival and exhibitions. Other initiatives have sought to promote cultural exchanges with foreign countries to enhance mutual understanding and promotion of and respect for cultural diversity and universal human rights. The National Heritage Fund is also working on an inventory of the intangible heritage of Mauritius that will help to safeguard such heritage, thus enriching cultural diversity and human creativity.

Mexico

[Original: Spanish]
[21 June 2011]

In its submission, Mexico stated that only one other country in the Americas has more spoken native languages. It is a pluricultural and multilingual country where indigenous peoples contribute to the diversity of languages and cultures. Some 364 linguistic varieties are spoken in Mexico, corresponding to 60 linguistic groups and 11 linguistic families.

The rights of indigenous peoples were included in the Constitution in 2001. The Constitution acknowledges the pluricultural composition of the nation and guarantees the self-determination and autonomy of indigenous peoples and their collective rights, including: their right to decide their social, economic, political and cultural organization; their right to apply their own legal systems; their right to preserve their languages, knowledge and all the elements that constitute their culture and identity; the right to their ancestral lands; their right to be consulted; and their right to development. The Constitutional amendment has triggered a number of legislative changes to ensure that they are in line with the new multicultural and plurilingual model.

In 2003 the General Act on Indigenous Peoples' Linguistic Rights was published. The act recognized and regulated linguistic rights, including the use and protection of indigenous languages and of their speakers, and prohibited discrimination on the basis of language. The 2009-2012 Programme for the Development of Indigenous Peoples, established to promote the respect and recognition of indigenous peoples' cultures, languages and rights, undertook to ensure access to Government services in indigenous languages, particularly in three areas: justice, multicultural and plurilingual education and health.

A national programme for the revitalization, strengthening and development of indigenous languages had also been set up. The guiding principles of the programme are cultural diversity, multilinguism through an intercultural approach and equality of opportunities in a multicultural and multilingual framework. The programme seeks to promote the use of indigenous languages in public institutions and the professionalization of interpreters, translators and other actors related to the accreditation and certification of indigenous languages.

In 2004, the National Institute for Indigenous Languages (INALI) began its activities. INALI is the agency responsible for the adoption and implementation of policies designed to fulfil the linguistic rights of indigenous language speakers. It has an advisory role for the three levels of Government — federal, state and local — and it determines the order of work in coordination with indigenous communities, with the Government and with private actors. INALI has promoted the creation of multidisciplinary instances and the adoption of agreements with the federal Government, undertaken awareness-raising actions to fight against discrimination based on language, produced a catalogue of national indigenous languages, promoted the use of indigenous languages in institutional spaces, published and disseminated educational material and prepared an official list of indigenous languages translators and interpreters for judicial procedures.

While there have been advances in reversing the disappearance of indigenous languages and achieving their revitalization and strengthening, challenges to ensuring the full enjoyment of the linguistic rights of indigenous language speakers remain. Linguistic normalization is a complex process and requires a dialogue between different communities that speak varieties of the same language. The General Act on Indigenous Peoples' Linguistic Rights remains in part unknown, both by public authorities and by the indigenous language speakers. Despite numerous efforts, State and local legislation still requires harmonization and the adoption of further regulations to implement those linguistic rights.

Oman

[Original: Arabic]
[14 June 2011]

The submission from Oman underscores the richness of its tangible and intangible cultural heritage, which reflects great cultural diversity. Such diversity is the result of the intellectual and cultural diversity in the population of Oman through successive periods of history.

According to the response, the people of Oman are proud of their cultural heritage, both tangible and intangible, and contribute to its creation and

preservation. Cultural practices are included within the fundamental human rights protected by the State, in accordance with article 13 of the Constitution, which provides that the "State fosters and conserves the national heritage, and encourages and promotes the sciences, literature, and scientific research".

Serbia

[Original: English]
[8 June 2011]

The response from Serbia highlights that, according to the Constitution and to the international instruments that it has adopted, preservation of cultural diversity is one of its primary interests, both internationally and nationally. The Ministry of Culture, Media and Information Society has played an important role in cherishing its cultural heritage and improving the diversity of cultural expressions.

The submission from Serbia underscored the constitutional framework ensuring the protection of minority rights, in line with international human rights instruments. One of the goals of the State, according to the Constitution, is promoting understanding, recognition and respect for diversity arising from the specific ethnic, cultural, linguistic or religious identity of its citizens through measures applied in education, culture and public information. In addition to the rights guaranteed to all citizens by the Constitution, persons belonging to national minorities are granted special individual and collective rights, including the right to take part in decision-making or to decide independently on certain issues related to their culture, education, information and official use of languages and script in accordance with the law. Members of national minorities have, inter alia, the following rights: to foster, develop and publicly express their national, ethnic, cultural and religious specificity; to use their symbols in public places; to use their language and script; to have proceedings conducted in their languages before State bodies in areas where they make up a significant majority of population; to receive education in their languages in public institutions and institutions of autonomous provinces; to found private educational institutions; to use their name and family name in their own languages; to have traditional local names, names of streets and settlements and topographic names written in their languages, in areas where they make a significant majority of population; to receive complete, timely and objective information in their language, including the right to express, receive, send and exchange information and ideas; and to establish their own mass media.

In the field of education, culture and information, Serbia shall give impetus to the spirit of tolerance and intercultural dialogue and undertake efficient measures for enhancement of mutual respect, understanding and cooperation among all people living on its territory, regardless of their ethnic, cultural, linguistic or religious identity.

The Constitutional framework led to the adoption of legislation to implement the above-mentioned rights and principles, including the 2010 Law on Culture, which regulates general interest in culture, lists the principles of cultural development and defines priority fields of culture and creativity. This law allows National Minority Councils to ensure the implementation of cultural policy of respective national minorities and participate in the decision-making process related to their culture and establish cultural institutions and other legal entities in the field

of culture. The establishment of such councils was previously provided by the 2009 Law on National Minority Councils. Other laws that contribute to the realization of the rights of national minorities and ethnic communities, by allowing them to exercise their cultural rights, are the Law on Public Information and the Law on Broadcasting, both of which include specific provisions on minority languages and cultures.

Especially significant activities by the Ministry of Culture have been undertaken in regard to the Roma national minority. As a part of the Decade of Roma Inclusion 2005-2015, the Ministry has made major steps towards fighting discrimination of Roma in all segments of society, as well as integrating this population into social life, including engaging Roma public media representatives.

The Government, on the initiative of Ministry of Culture, adopted financial measures to assist media during the economic crisis. Part of these measures benefited media, productions and projects in national minority languages. Funding of projects and programmes through tenders has also been improved and made more transparent, and consequently the quality and variety of supported projects has increased, with an important contribution by national minorities. Cultural policies have also focused on international cooperation, with many activities organized to promote Serbian cultural expressions and collaborate with countries of speakers of minority languages (such as Hungary, the former Yugoslav Republic of Macedonia, Slovakia, Slovenia, Croatia and Ukraine). No differentiation regarding its origin is made when it comes to protection of cultural heritage. Protection and preservation measures have been adopted regarding material and immaterial heritage cherished by some 20 different ethnic groups. The Ministry of Culture has also been active in forming a task group for development of creative industries in 2011. The goal of this task group is to research potentials and resources for development of systemic instruments in the field of creative industries, as well as to propose measures and programmes for stimulating their development in the country.

Spain

[Original: Spanish]
[9 June 2011]

Spain underscores that cultural diversity is recognized in its Constitution and is reflected in the empowerment in the area of culture of its autonomous communities. Cultural plurality and diversity also constitute a tenet of Spanish foreign cultural policy in the Latin American, Euro-Mediterranean and European spheres. Respect for cultural diversity was also one of the cross-cutting principles of the actions of the European Union. Thus, cultural diversity is one of the basic principles of the European and Spanish model.

The contribution from Spain underscores that every society and social group has a cultural heritage, which reflects the system of values on which its identity is founded. Respect for cultural identities, the protection of cultural heritage, equality of opportunities between all cultures and democratic principles and values are necessary to consolidate cultural dialogue and ensure the cohesion of societies, and to prevent and resolve conflicts. Respect for cultural identity is essential for peace.

Spain also notes that ensuring equity in the access of citizens to culture entails the protection of cultural diversity, including promoting interculturalism and dialogue between cultures and social cohesion. Public support for culture and cultural industries should be directed to achieve these goals. Culture is a factor for economic development and employment. Culture is necessary to establish synergies among different actors involved in the promotion of cultural rights, and to emphasize the importance of cultural diversity within the United Nations system.

Cultural diversity has been a basic principle of action by the Spanish Ministry of Culture. Cultural diversity is linked with pluralism and democracy, social cohesion regarding cultural identity and employment, cultural dialogue and the Government's authority to pursue cultural policies, in line with the principles of balance, proportionality and transparency.

Syrian Arab Republic

[Original: English]
[8 June 2011]

In its submission, the Syrian Arab Republic highlights the richness of its cultural diversity and heritage, which it considers to be a crucial element of human development strategies and an essential tool of sustainable development. In this context, the submission identifies measures taken by the country in the fields of art education for cultural diversity and protection and access to traditional expressions and cultural heritage.

Regarding art education for cultural diversity, the submission highlights the roles played by the Higher Institute of Music, the Higher Institute for Dramatic Art, the Directorate of Music Institutes, the Technical Institute of Applied Arts, the Institutes of Popular Education and Centres of Fine Arts affiliated with the Ministry of Culture and the private sector, with the encouragement of the Ministry of Culture, in art education and public awareness-raising.

The Syrian Arab Republic believes that the protection of and access to traditional expressions and cultural heritage are priorities, since they are both essential factors in the identity of each country and a privileged means of facilitating mutual comprehension between countries. The cultural sector consists of three sub-sectors: one representing public and State-run structures, one representing civil society, and one consisting of private enterprises. The collaboration between the three sectors is a prerequisite to achieving success in this field. In this regard, the Syrian Arab Republic has adopted several international instruments, including the Convention for the Protection of Cultural Property in the Event of Armed Conflict with Regulations for the Execution of the Convention; the Protocol to the Convention for the Protection of Cultural Property in the Event of Armed Conflict; the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property; the Convention Concerning the Protection of the World Cultural and Natural Heritage; the Agreement on the Importation of Educational, Scientific and Cultural Materials; the Convention for the Safeguarding of the Intangible Cultural Heritage; and the Convention on the Protection and Promotion of the Diversity of Cultural Expressions. Preservation, management and rehabilitation of cultural heritage are also established as State principles according to the Constitution of 1973.

The projects to advance these goals include the following: a child culture museum, the inclusion of topics on cultural heritage in the educational curriculum and a cooperation programme with the Italian Government for the revival and development of the Syrian heritage through documentation, artistic production, restoration projects, exchange experiences and the establishment of a network to interconnect Syrian heritage databases. Other areas of action include natural reserves, efforts to preserve the Aramaic language and efforts to register and preserve historical monuments and archaeological sites. The submission identifies the need to expand the legal definition of heritage in order to reflect the varied composition of the cultural heritage within the Syrian Arab Republic.

Communities and non-governmental organizations are actively involved in a number of projects for the safeguarding of cultural heritage. Most projects and various individual researchers interview older community members to collect information about Syrian cultural heritage, including, for example, the Rawafed project and the "Youth cultural bus".

The submission by the Syrian Arab Republic also includes extensive information on the legal framework and measures adopted to ensure the recognition of and access to cultural heritage.

Uzbekistan

[Original: Russian]
[9 June 2011]

In its response, Uzbekistan states that its population consists of representatives of 136 nationalities and ethnicities, most of whom are affiliated with one of 17 official creeds. Uzbekistan has created all necessary legal and organizational conditions for the development and support of cultural diversity comprising all nationalities and ethnicities living in its territory. According to article 42 of the Constitution, everyone has the right to enjoy cultural benefits, and the State shall promote the cultural, scientific and technical development of society, including physical culture and sport. Currently, Uzbekistan has 37 professional theatres, many theatre studios and 85 museums. Uzbekistan pays particular attention to the protection of cultural heritage and its citizens are obliged to safeguard its historical, cultural and spiritual heritage.

The response notes that Uzbekistan provides access to education for all national minorities. Primary and higher education is delivered in Uzbek, Karakalpak, Russian, Tadjik, Kazakh, Turkmen and Kyrgyz languages. Presently, Uzbekistan has 142 functioning national cultural centres representing 27 national minorities. The main aim of the cultural centres is to preserve and develop national cultures, languages, traditions and customs. In Uzbekistan, legal and organizational conditions are created for realization of the freedom of conscience and religion by all national minorities and ethnicities. Some 2,225 religious organizations of 16 different religious creeds exist in Uzbekistan.

Uzbekistan reports that a national programme of action in the area of human rights is under consideration. It foresees the development of a concept of legal protection of national minorities in line with international legal standards. The project anticipates the design and adoption of a State programme for protection of

the rights of national minorities with the aim of coherent implementation of international obligations and the ensuring of equal standards of safeguarding the rights of national minorities. The project will also include research on implementation of legislation related to national minorities at the regional level. It will also compile existing jurisprudence related to national and ethnic minorities.

Summary of information received from non-governmental organizations

Observatory of Diversity and Cultural Rights, Fribourg, Switzerland

[Original: French]
[5 July 2011]

In its submission, the Observatory of Diversity and Cultural Rights of the Interdisciplinary Institute for Ethics and Human Rights at the University of Fribourg, Switzerland, underscored that the fundamental link between realization of all human rights and respect for cultural diversity can be ensured through a better understanding and consideration of cultural rights.

According to the submission, cultural rights, as well as the cultural dimension of every human right, constitute the nexus between human rights and cultural diversity. The common object of cultural rights resides in identity: these rights encompass all those rights, freedoms and duties through which human beings can have access to the cultural references allowing them to find and express their identity, as individuals or in common with others. Diversity of cultural resources is a necessary condition to enable choice, and thus the realization of cultural rights and of every other human right. Conversely, ensuring cultural diversity is only possible when cultural rights are protected and guaranteed for everyone, thus enabling everyone to participate and contribute to diversity.

After years of relative neglect, recent developments, such as the adoption of general comment No. 21 on the right to take part in cultural life by the Committee on Economic, Social and Cultural Rights and the creation of the mandate of the Independent Expert in the Field of Cultural Rights by the Human Rights Council, have helped to confer on cultural rights their legitimate place within the concerns of the international community.

Taking cultural rights into consideration leads to a more robust interpretation of the universality of human rights. Universality is not opposed to diversity; in fact, universality necessarily draws on the diversity of cultures. Cultural adequacy of human rights also reinforces the indivisibility and interdependence of all human rights, as taking into account the cultural dimension of human rights facilitates their construction and effectiveness. The Committee on Economic, Social and Cultural Rights has underscored that cultural adequacy or acceptability is part of the normative content of the rights to adequate housing, to adequate food and to the highest attainable standard of health.

Cultural diversity is also a condition for peace. Cultural rights should not provide the right to exacerbate differences, which can lead to violence, but rather to celebrate diversity. Cultural rights are vectors for peace, as their interpretation takes into account and values the diversity of cultural resources.

The effectiveness of human rights is not only a goal, but also a means or resource for development. Individuals are not only beneficiaries: they are subject to rights, freedoms and duties. To respect human dignity also entails the development of a participatory democracy, based on the recognition that everyone can contribute to knowledge, including those who are overlooked because of poverty.